

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

TOMMARK, INC. d/b/a/ STERLING
ASSOCIATES,

Plaintiff,

v.

TRAVELERS PROPERTY AND CASUALTY
COMPANY n/k/a THE ST. PAUL TRAVELERS
COMPANIES, INC.,

Defendant.

Civil Action No. 05-CV40147-FDS

**INITIAL DISCLOSURES PURSUANT TO
FED. R. CIV. P. 26(a)(1) OF DEFENDANTS
THE TRAVELERS INDEMNITY COMPANY
AND TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA f/k/a THE
TRAVELERS INDEMNITY COMPANY OF
ILLINOIS**

Defendants The Travelers Indemnity Company and Travelers Property Casualty Company of America f/k/a The Travelers Indemnity Company of Illinois (incorrectly pled as Travelers Property and Casualty Company n/k/a The St. Paul Travelers Companies, Inc.) (collectively, "Travelers") hereby make their initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure. Travelers' initial disclosures represent a good faith effort to identify information it reasonably believes may be used to support its claims or defenses. By making the following disclosures, Travelers does not represent that it is identifying every document, tangible thing, or witness it may use to support its claims or defenses. Travelers reserves the right to call any witness or present any exhibit or item at trial not listed herein, but determined through discovery or investigation to support its claims or defenses.

Travelers does not waive its right to object to the production of any document or tangible thing disclosed herein on the basis of any privilege, including the attorney-client privilege, the work-product doctrine, relevancy, undue burden, or any other valid objection. Travelers' initial disclosures are made without waiving (1) the right to object on the grounds of competency, privilege, relevancy and materiality, hearsay, or any other proper ground; and (2) the right to object on any and all grounds, at any time, to any other discovery request or proceeding involving or relating to the subject matter of these disclosures.

DISCLOSURES

A. Individuals Likely To Have Discoverable Information

Travelers' investigation is continuing, and it is likely that it will learn that additional persons may have information that bears on the claims and/or defenses in the above-captioned case and/or that persons identified herein may have information regarding subjects other than those specified. Subject to these qualifications, Travelers identifies the following persons likely to have discoverable information that Travelers may use to support its claims or defenses:

1. Cynthia L. Burns
St. Paul Travelers
5576 Linton Road
Sykesville, Maryland 21784

Cynthia L. Burns has knowledge of Travelers' handling of Plaintiff's claim for insurance coverage in connection with the underlying action.

2. Mumin A. Barre
St. Paul Travelers
14048 Parkeast Circle
Chantilly, VA 20151

Mumin A. Barre has knowledge of Travelers' handling of Plaintiff's claim for insurance coverage in connection with the underlying action.

3. Amy Baker
St. Paul Travelers
One Tower Square, 4MS
Hartford, Connecticut 06183

Amy M. Baker has knowledge of Travelers' handling of Plaintiff's claim for insurance coverage in connection with the underlying action.

4. David F. Klein, Esq.
Swidler Berlin Shereff Friedman, LLP
The Washington Harbour
3000 K Street, NW, Suite 300
Washington, D.C. 20007-5116

At this time, Travelers is uncertain of the extent of the facts known by David F. Klein. Upon information and belief, Mr. Klein represented Plaintiff in connection with and has knowledge regarding the underlying action and Plaintiff's claim for insurance coverage.

5. John P. Moran, Esq.
Swidler Berlin Shereff Friedman, LLP
The Washington Harbour
3000 K Street, NW, Suite 300
Washington, D.C. 20007-5116

At this time, Travelers is uncertain of the extent of the facts known by John P. Moran, Esq. Upon information and belief, Mr. Moran represented Plaintiff in connection with and has knowledge regarding the underlying action.

6. Tim Smith, President
Sterling Associates
49 Church Street
Whitinsville, Massachusetts 01588

At this time, Travelers is uncertain of the extent of the facts known by Tim Smith. Upon information and belief, Mr. Smith has knowledge regarding the underlying action and Plaintiff's claim for insurance coverage.

7. Beth Grenier
Claims Manager
Sullivan Group Insurance & Risk Management Services, Inc.
One Chestnut Place
Worcester, Massachusetts 01608

At this time, Travelers is uncertain of the extent of the facts known by Beth Grenier. Upon information and belief, Ms. Grenier has knowledge regarding Plaintiff's claim for insurance coverage.

8. Jun Y. Lee, Esq.
Rosenberg, Klein & Lee
3458 Ellicot Center Drive
Ellicot City, Maryland 21043

At this time, Travelers is uncertain of the extent of the facts known by Jun Y. Lee, Esq. Upon information and belief, Mr. Lee represented the underlying plaintiff in the underlying action and has knowledge regarding same.

9. Morton J. Rosenberg, Esq.
Rosenberg, Klein & Lee
3458 Ellicot Center Drive
Ellicot City, Maryland 21043

At this time, Travelers is uncertain of the extent of the facts known by Morton J. Rosenberg, Esq. Upon information and belief, Mr. Rosenberg represented the underlying plaintiff in the underlying action and has knowledge regarding same.

B. Documents

Attached hereto are certified copies of the following policies issued by The Travelers Indemnity Company to named insured Tommark, Inc. d/b/a/ Sterling Associates: Policy No. I-680-379D468-0-IND-00, with an effective period of November 10, 2000 to November 10, 2003, which policy was cancelled effective November 15, 2000; and Policy No. I-680-987H980-4-IND-00, with an effective period of November 15, 2000 to November 15, 2003, which policy was cancelled effective January 2, 2001. Also attached is a certified copy of Policy No. Y-630-261X7321-TIL-01, with an effective period of February 1, 2001 to February 1, 2002, which was issued by Travelers Property Casualty Company of America f/k/a The Travelers Indemnity Company of Illinois to, among other named insureds, Tommark, Inc. d/b/a Sterling Associates. The non-privileged portions of Travelers' computer claim notes and Travelers' claim file relating to Plaintiff's claim for insurance coverage at issue in this action will be provided to Plaintiff's counsel upon request. Travelers will redact from the claim file and computer claim notes any information protected from disclosure by the attorney-client privilege and/or work product doctrine. Travelers will also redact from the claim file and computer claim notes all information relating to reinsurance obtained by Travelers (if any) or references to other insureds of Travelers (if any), as such information (1) has no

relevance to this matter and is not reasonably calculated to lead to the discovery of admissible evidence, and (2) constitutes sensitive business information that is confidential to Travelers. Travelers will also redact from the claim file and computer claim notes all information relating to reserves established by Travelers (if any), as such information (1) has no relevance to this matter and is not reasonably calculated to lead to the discovery of admissible evidence, (2) constitutes sensitive business information that is confidential to Travelers, and (3) is immune from production based upon the work-product doctrine.

C. Damages

Travelers is not seeking any damages in this action.

D. Insurance Policies

Not applicable.

By: Frederick P. Marczyk admitted to SAT/FPM
Frederick P. Marczyk (admitted *pro hac vice*)
DRINKER BIDDLE & REATH LLP
500 Campus Drive
Florham Park, New Jersey 07932-1047
Phone: (973) 360-1100
Fax: (973) 360-9831

/s/ Brent A. Tingle
Brent A. Tingle, Esquire, BBO #5599
MORRISON MAHONEY LLP
10 Chestnut Street, Suite 470
Worcester, MA 01608
(508) 757-7777

Attorneys for Defendants
The Travelers Indemnity Company and
Travelers Property Casualty Company of America
f/k/a The Travelers Indemnity Company of Illinois
(incorrectly pled as Travelers Property and Casualty
Company n/k/a The St. Paul Travelers Companies,
Inc.)

Dated: February 15, 2006